

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TONY L. MUTSCHLER,	:	No. 3:16-CV-0327
	:	
Plaintiff	:	
	:	Judge Matthew W. Brann
v.	:	
	:	
C.O. CORBY,	:	
Defendant	:	Electronically Filed

DEFENDANT’S STATEMENT OF UNDISPUTED MATERIAL FACTS

Defendant hereby submits this following Statement of Undisputed Material Facts in support of his Motion for Summary Judgment, pursuant to Local Rule 56.1. The Defendant submits that there is no issue to be tried in connection with the following undisputed material facts:

1. Plaintiff Tony Mutschler was incarcerated by the Pennsylvania Department of Corrections (“DOC”) at SCI-Frackville during the incidents alleged in the Complaint. Doc. 1, ¶ 1.
2. Defendant Corby shoved the Plaintiff in the shower area, which resulted in the Plaintiff hitting his head. *Id.* at Section VI, ¶ 1; *see also* Exhibit 1, Attachment A (Video).¹

¹ The Video marked “Cam 40—RHU” appears to be the only video depicting the incident alleged in the Complaint, and is the only one referenced in the Defendant’s Brief, but the Defendant provides all four videos of that area in the interest of completeness.

3. The Plaintiff received medical treatment for a superficial abrasion. *See* Plaintiff's Medical Records, attached as Exhibit 2.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

By: *s/ Caleb C. Enerson*

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Date: September 6, 2019

Counsel for Defendant

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CERTIFICATE OF SERVICE

I, CALEB CURTIS ENERSON, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on September 6, 2019, I caused to be served a true and correct copy of the foregoing document to the following via First Class, U.S. Mail:

Tony Mutschler 34622 Hudson Road Laurel, DE 19956	
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s/Caleb Curtis Enerson
CALEB CURTIS ENERSON
Deputy Attorney General